

Message Text

CONFIDENTIAL

PAGE 01 SANTIA 05850 272241Z

73

ACTION ARA-10

INFO OCT-01 IO-10 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 DHA-02

ORM-01 AID-05 OMB-01 DLOS-04 OES-03 NSCE-00 SSO-00

USIE-00 INRE-00 /077 W

----- 106921

O 272153Z AUG 75

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC IMMEDIATE 4531

INFO AMEMBASSY BUENOS AIRES

AMEMBASSY LA PAZ IMMEDIATE

AMEMBASSY LIMA

AMEMBASSY CARACAS

US MISSION USUN 1158

USMISSION GENEVA

USCINCSO

C O N F I D E N T I A L SANTIAGO 5850

EO 11652: GDS

TAGS: CI, BL, PINS

SUBJ: REVISED TEXT OF NATIONAL SECURITY LAW PUBLISHED

REFS: (A) SANTIAGO 3084 (B) SANTIAGO A-91

1. SUMMARY: ROUTINE PUBLICATION BY GOC OF REVISED TEXT OF 1958 BASIC NATIONAL SECURITY LAW, INCORPORATING PREVIOUS AMENDMENTS, HAS PROVOKED PRESS COMMENT IN CHILE AND APPARENT BOLIVIAN CONCERN OVER RELEVANCE TO ACCESS TO SEA QUESTION. COMMENT AND CONCERN ARE APPARENTLY BASED ON MISTAKEN IMPRESSION THAT THERE IS SOMETHING NEW IN TEXT. AREAS DRAWING MOST INTEREST ARE UNCHANGED FROM ORIGINAL 1958 LAW. END SUMMARY.

2. ON AUGUST 26 GOC PUBLISHED UPDATED TEXT OF NATIONAL SECURITY LAW (LAW NO. 12,927 OF AUGUST 6, 1958) WHICH
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SANTIA 05850 272241Z

INCORPORATES VARIOUS AMENDMENTS INCLUDING SIGNIFICANT ONES

ISSUED IN DECREE LAW 1,009 OF LAST MAY (REFAIRGRAM - NOTAL). PUBLICATION OF AMENDED TEXT APPEARS TO HAVE BEEN MISUNDERSTOOD BY LOCAL PRESS AND POSSIBLY BY BOLIVIAN GOVERNMENT; AS NOTED BELOW, GOC OFFICIAL CONTRIBUTED TO CONFUSION. THERE IS NOTHING NEW IN THE TEXT. LATEST AMENDMENTS IN IT DATE FROM LAST MAY; THEIR CONSIDERABLE SIGNIFICANCE WAS FULLY AND PUBLICLY DISCUSSED AT TIME. AS FAR AS EMBASSY CAN TELL, PUBLICATION OF FULL REVISED TEXT WAS PRUELY ADMINISTRATIVE. SANTIAGO PRESS FAILS TO MAKE THIS CLEAR, AND GIVES IMPRESSION BY OMISSION OF COMMENT THAT SOME OF PROVISIONS OF REPUBLISHED LAW ARE NEW.

3. ASSOCIATED PRESS STORY DATED LA PAZ AUGUST 26, WAS PUBLISHED HERE AUGUST 27. IT STATED THAT GOB FON MINISTRY HAD ASKED ITS AMBASSADOR IN SANTIAGO FOR "FULL, PRECISE AND IMMEDIATE CLARIFICATION" OF A "RECENT DECREE OF GOC WHICH COULD BECOME FIRST LARGE CLOUD IN NEW RELATIONS BETWEEN TWO COUNTRIES." AP STORY SAID THAT DECREE WAS IMMEDIATELY INTERPRETED IN SOME BOLIVIAN CIRCLES AS OFFICIAL DECLARATION OF GOC THAT IT IS NOT DISPOSED TO CEDE TERRITORY TO BOLIVIA FOR OUTLET TO SEA. OFFICIAL BOLIVIAN CIRCLES WERE SAID TO BE SURPRISED THAT SUCH A DECREE COULD HAVE BEEN ANNOUNCED ONLY A FEW DAYS AFTER GOB AMBASSADOR HAD RETURNED TO SANTIAGO.

4. BOLIVIAN CONCERN AS REPORTED CENTERS ON PROVISION OF CHILEAN NATIONAL SECURITY LAW WHICH STATES THAT A CRIME IS COMMITTED BY "THOSE WHO BY SPEECH, WRITING, OR ANY OTHER MEANS, OFFER (PROPICIAR) THE INCORPORATION OF ALL OR PART OF THE NATIONAL TERRITORY INTO A FOREIGN STATE." THIS DEFINITION OF A CRIME HAS BEEN IN CHILEAN LAW SINCE AT LEAST 1958 AND IS NOT NEW.

5. ANOTHER OLD (1958) PROVISION SEEMS ALSO TO HAVE CAUGHT SOME EYES, AND ONE SANTIAGO PAPER ("LA TERCERA") IN AN EDITORIAL SPECIFICALLY CITES IT AS "NEW AND VERY INTERESTING." IT IS PROVISION THAT PUNISHES FAILURE OF AN EMPLOYER TO PAY LEGAL MINIMUM WAGES. THIS APPEARS IN EXACTLY SAME WORDS IN 1958 TEXT, AND IS NOT NEW.

6. GOC ITSELF ADDED TO CONFUSION IN SOME DEGREE. UNDER SEC INTERIOR ENRIQUE MONTERO TOLD PRESS THAT THE LAW GAVE THE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 05850 272241Z

COUNTRY A TOOL TO GUARANTEE PUBLIC ORDER AND SOCIAL PEACE UNDER A "REGIME OF LAW." HE NOTED THAT CHANGES IN RECENT YEARS REQUIRED AN UPDATED LAW COVERING PLITICAL KIDNAPPING, HIJACKING, ETC. HE EVEN SINGLED OUT REQUIREMENT THAT EMPLOYERS PAY LEGAL WAGES, SAYING THAT IT IS DESIGNED TO PUNISH THOSE WHO UPSET LABOR PEACE. HE APPARENTLY DID NOT MENTION FACT THAT LATTER PROVISIONS DATE BACK AT LEAST TO 1958.

7. COMMENT: WE HAVE BECOME USED TO THE FACT THAT CHILEAN PRESS AND PUBLIC DO NOT DO THEIR LEGAL RESEARCH WHEN "NEW" LAWS ARE ANNOUNCED. IT SEEMS UNLIKELY, HOWEVER, THAT GOB HAS BEEN UNAWARE SINCE 1958 THAT IT IS AT LEAST TECHNICALLY A CRIME FOR A CHILEAN NEGOTIATOR TO EVEN PROPOSE CESSION OF CHILEAN TERRITORY. AS FOR MONTERO STATEMENT, APPEARS TO EMBASSY THAT HE SEIZED OCCASION OF PUBLICATION TO EMPHASIZE POINTS -- SOME FROM MAY REVISION, AND SOME OLDER -- OF CURRENT GOC INTEREST.

8. LA PAZ 595) JUST RECEIVED. EMBOFF WHO WAS ASSIGNED TO LA PAZ 1963-1964 AND FOLLOWED CHILEAN-BOLIVIAN RELATIONS RECALLS THAT EXISTENCE OF 1958 CHILEAN SECURITY LAW CONTAINING CONTROVERSIAL PROVISION WAS WELL KNOWN TO GOB AT THAT ERA, AND WAS PERIODICALLY CITED BY BOLIVIAN COMMUNICATIONS MEDIA AS PART OF INTENSIVE ANTI-CHILEAN PROPAGANDA CAMPAIGN.
POPPER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NATIONAL SECURITY, LAW, TEXT, POLITICAL PRISONERS
Control Number: n/a
Copy: SINGLE
Draft Date: 27 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975SANTIA05850
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750297-0284
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750813/aaaaalaz.tel
Line Count: 131
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 SANTIAGO 3084, 75 SANTIAGO A-91
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 23 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 JUN 2003 by CunninFX>; APPROVED <06 NOV 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REVISED TEXT OF NATIONAL SECURITY LAW PUBLISHED
TAGS: PINS, CI, BL
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006